

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

STEFAN PASSANTINO,

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Plaintiff,

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v.

4:23-CV-00300-ELR

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UNITED STATES OF AMERICA,

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Defendant.

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O R D E R

Plaintiff Stefan Passantino initiated this action on December 20, 2023. See Compl. [Doc. 1]. Plaintiff served Defendant United States of America on February 13, 2024. [Doc. 17]. Thus, Defendant's deadline to file its answer or otherwise respond to Plaintiff's Complaint was April 15, 2024. See FED. R. CIV. P. 12(a)(2); id. 6(a)(1)(C). However, the April 15, 2024 deadline has passed and Defendant has not filed a response to Plaintiff's Complaint.¹ Accordingly, the Court **DIRECTS** Plaintiff to **SHOW CAUSE** within fourteen (14) days of the date of this order as to why his claims against Defendant should not be dismissed for want of prosecution.² See

¹ On April 15, 2024—the day of its deadline to respond to Plaintiff's Complaint—Defendant filed a motion for extension of time, which it amended by a subsequent motion the next day. [See Docs. 18, 19]. The Court denied these motions via Minute Order for failure to show good cause.

² In the instant context, “showing cause” may include Plaintiff moving for a Clerk's entry of default pursuant to Federal Rule of Civil Procedure 55(a).

Moskovits v. Aldridge Pite, LLP, 677 F. App'x 510, 515 n.6 (11th Cir. 2017) (Rule 41(b) "permits dismissal for failure to prosecute or to comply with the Federal Rules of Civil Procedure or any order of court" (internal citation omitted)); see also LR 16.5, NDGa. ("[f]ailure to comply with the court's pretrial instructions may result in the imposition of sanctions, including dismissal of the case"); id. 41.3 (dismissal is authorized where a plaintiff fails or refuses to obey a lawful order of the Court).

SO ORDERED, this 24th day of April, 2024.

Eleanor L. Ross

Eleanor L. Ross
United States District Judge
Northern District of Georgia